



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 22 2004

REPLY TO THE ATTENTION OF

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Scott Larrison, Manager  
M.C. Aluminum America, Inc.  
6875 South Inwood Drive  
Columbus, Indiana 47201

Re: In the Matter of M.C. Aluminum America, Inc., Columbus,  
Indiana

Dear Mr. Larrison:

Enclosed is a signed copy of the final Administrative Order.

If you have any technical questions about this Administrative Order, please contact Ms. Bonnie Weinbach, of my staff, at (312) 886-0258. Any legal questions should be directed to Ms. Cynthia King at (312) 886-6831.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Brent Marble", with a stylized flourish at the end.

Brent Marble, Chief  
Air Enforcement and Compliance Assurance section (IL/IN)

Enclosure

cc: David L. Hatchett, Esq.  
Hatchett & Hauck L.L.P.

David McIver, Chief  
Office of Enforcement Air Section  
Indiana Department of Environmental Management

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	
	)	
M.C. Aluminum America, Inc.	)	<b>Administrative Order</b>
6875 South Inwood Drive	)	
Columbus, Indiana 47201	)	<b>EPA-5-04-113(a) IN-06</b>
	)	
Proceeding Under	)	
Section 113(a)(3) of	)	
the Clean Air Act,	)	
42 U.S.C. § 7413(a)(3)	)	

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**Administrative Order**

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to M.C. Aluminum America, Inc. (M.C. Aluminum), located at 6875 South Inwood Drive, Columbus, Indiana, under Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3).

**Statutory and Regulatory Background**

2. Under Section 112 of the Act, the Administrator of U.S. EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production at 40 C.F.R. §§ 63.1500 et seq. (Subpart RRR NESHAP).

3. Pursuant to 40 C.F.R. § 63.1500, the requirements of Subpart RRR apply to the owner or operator of each secondary aluminum production facility.

4. The Secondary Aluminum Production NESHAP states at 40 C.F.R. § 63.1500(c)(1) that "[t]he requirements of this subpart pertaining to dioxin and furans (D/F) emissions and associated operating, monitoring, reporting and record-keeping requirements apply to the following affected sources, located at a secondary aluminum production facility that is an area source of hazardous air pollutants (HAPs) . . . (1) [e]ach new and existing thermal chip dryer."

5. Pursuant to 40 C.F.R. § 63.1501(a), the owner or operator of an existing affected source must comply with the applicable requirements of this Subpart by March 24, 2003.

6. Pursuant to 40 C.F.R. § 63.1512(b), the owner or operator must conduct a performance test to measure dioxin and furans (D/F) emissions at the outlet of the control device while the unit processes only unpainted aluminum chips.

7. Pursuant to 40 C.F.R. § 63.1505(c)(2), on and after the date the initial performance test is conducted or required to be conducted, the owner or operator of a thermal chip dryer must not discharge or cause to be discharged to the atmosphere emissions in excess of 2.50 micrograms of D/F TEQ per Mg of feed/charge.

8. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of U.S. EPA may issue an order requiring compliance to any person who has violated or is violating the Subpart RRR NESHAP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

### **Findings**

9. M.C. Aluminum owns and operates a secondary aluminum facility at 6875 South Inwood Drive, Columbus, Indiana (the Facility).

10. The Facility is an emission source subject to the requirements of the Act, including applicable portions of 40 C.F.R. Part 63 Subpart RRR.

11. M.C. Aluminum owns and operates a thermal chip dryer at the facility which was installed in 1994.

12. The thermal chip dryer is an existing source subject to the requirements of 40 C.F.R. Part 63 Subpart RRR.

13. On February 12, 2003, M.C. Aluminum conducted its initial performance emissions testing for D/F on the thermal chip dryer. That testing showed that the thermal chip dryer was emitting 14.455 micrograms of D/F TEQ per Mg of feed/charge.

14. On December 17, 2003, U.S. EPA issued a Finding of Violation (FOV) stating that the results of the testing showed the thermal chip dryer was discharging an average of 144.77 micrograms of D/F TEQ per Mg of feed/charge.

15. On December 29, 2003, M.C. Aluminum contacted U.S. EPA in order to report that the 144.77 micrograms of D/F TEQ per Mg of feed/charge was a typographical error in the Indiana Department of Environmental Management's report and that the

correct result was 14.455 micrograms of D/F TEQ per Mg of feed/charge.

16. On January 20, 2004, U.S. EPA had a conference with M.C. Aluminum and received further details on their stack test. U.S. EPA advised M.C. Aluminum that it would issue an Amended FOV reflecting the accurate test results.

17. On January 28, 2004, U.S. EPA issued an Amended FOV showing that the February 12, 2003 test results showed 14.455 micrograms of D/F TEQ per Mg of feed/charge.

18. On May 10, 2004, M.C. Aluminum tested in compliance with the D/F emission limits in 40 C.F.R. § 63.1505(c)(2).

19. M.C. Aluminum discharged emissions from its thermal chip dryer in excess of 2.50 micrograms of D/F TEQ per Mg of feed/charge in violation of 40 C.F.R. § 63.1505(c)(2).

#### **Compliance Program**

20. Within 30 days of the effective date of this Order, M.C. Aluminum must request a modification or amendment of the Facility permit from the Indiana Department of Environmental Management to reflect the testing conditions, and in particular, throughput of the May 10, 2004 compliance test.

21. Specifically, M.C. Aluminum must request permit terms that state the natural gas-fired chip dryer (#2), known as EU-05, will not exceed a limit of 3500 lbs/hr (1.75 tons/hr), on a three-hour block average when drying the chip material used during the May 10, 2004 stack test, unless later D/F performance testing demonstrates compliance at a higher throughput. The three-hour block average throughput will not include periods of startup, shutdown or periods when the chip dryer is not in operation.

22. In addition, to document compliance, M.C. Aluminum must also request the following record-keeping requirement be incorporated into its permit for chip dryer #2, EU-05: record the average throughput rate, type of aluminum chips dried, and time of operation for each three-hour block.

23. M.C. Aluminum will not dry Kroot material, unless later D/F performance testing demonstrates compliance using the Kroot material.

24. Within 60 days of the termination of this Order, M.C.

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Aluminum agrees to submit its throughput rate, type of aluminum chips dried, and time of operation records to U.S. EPA for the year in which this Order is in effect.

### **General Provisions**

25. This Order does not affect M.C. Aluminum's responsibility to comply with other local, state, and federal laws and regulations.

26. This Order does not restrict U.S. EPA's authority to enforce Section 112 of the Act, or any other section of the Act.

27. Nothing in this Order limits U.S. EPA's authority to seek appropriate relief, including penalties under Sections 113 of the Act, 42 U.S.C. § 7413, for M.C. Aluminum's violation of the Subpart RRR NESHAP.

28. Failure to comply with this Order may subject M.C. Aluminum to penalties of up to \$32,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413.

29. The terms of this Order are binding on M.C. Aluminum, its assignees and successors. M.C. Aluminum must give notice of this Order to any successors in interest, prior to transferring ownership, and must simultaneously verify to U.S. EPA that M.C. Aluminum has given the notice. Any notices required under this Order should be sent to:

Attn: Compliance Tracker, (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

30. M.C. Aluminum agrees to the terms of this Order.

31. Section 113(a)(4) of the Act, 42 U.S.C. § 7413(a)(4), states that an Order shall not take effect until the person to whom it is issued has had an opportunity to confer with U.S. EPA about the alleged violation. Therefore, U.S. EPA is giving M.C. Aluminum an opportunity to confer with U.S. EPA concerning this Order. M.C. Aluminum may schedule a conference with U.S. EPA by calling Bonnie Weinbach at 312 886-0258 within 5 days of M.C. Aluminum's receipt of this Order.

32. This Order shall become effective 30 days after M.C.

Aluminum's receipt of the Order.

33. This Order will expire one year from the effective date, if M.C. Aluminum has complied with all of its terms.

9/22/04  
Date

Mark P. Tyson  
Stephen Rothblatt, Director  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent the Administrative Order, EPA Order No. EPA-5-04-113(a) IN-06, by Certified Mail, Return Receipt Requested, to:


Scott Larrison, Manager  
M.C. Aluminum America, Inc.  
6875 South Inwood Drive  
Columbus, Indiana 47201

David L. Hatchett, Esq.  
Hatchett & Hauck L.L.P.  
10 West Market Street  
Suite 1025  
Indianapolis, Indiana 46204

I also certify that I sent a copy of the Administrative Order, EPA Order No. EPA-5-04-113(a) IN-06, by First Class Mail to:

David McIver, Chief  
Office of Enforcement Air Section  
Indiana Department of Environmental Management  
100 North Senate Avenue, Room 1001  
Indianapolis, Indiana 46206-6015

on the 23rd day of September 2004.

  
Betty Williams, Administrative  
Program Assistant  
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000589098312-Scott Larrison  
70010320000589098275-David Hatchett, Esq.